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INDIGENOUS ISSUES

Written statement* submitted by France Libertés, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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An overview of the situation of the indigenous communities in resistance in Chiapas, Mexico.

We will present some statistics for Chiapas and the South East of Mexico, using information taken mainly from the Ministry of Economic Development, with our own estimates for the period 2000-2001. We also include information from the INEGI, though it must be stressed that this information is not current, having been updated only as far as 1998. The information presented gives us a very clear idea of reality in Chiapas and the South East of Mexico.

1. Some statistics for the state of Chiapas

The GDP per capita for Chiapas in the year 2001 was 6 253 pesos, while the national GDP per capita was 15 061 in the same period. Chiapas has 41.5% of the national per capita income.

2. Demographic and social statistics

In terms of population, Chiapas contains 3.36% of the inhabitants of the country. The national unemployment rate for the years 1995, 1996, 1997, 1998, 2000 and 2001 is: 6.2%, 5.4%, 3.7%, 2.5%, 2.2% and 4.1% respectively. For Chiapas, in the same years, it is: 4.9%, 5.0%, 4.5%, 4.0%, 2.6% and 4.9%. One must add that unemployment is highest in the rural areas, while in the large cities, such as Tuxtla, Tapachula and San Cristóbal, unemployment is approximately 0.3% lower than the state average.

Of the total national population, 16.6% do not speak Spanish, while in Chiapas 36.5% do not. In the country as a whole, 6.8% speak an indigenous language; in Yucatán 39.7% speak an indigenous language, in Oaxaca 36.6% of the population speak an indigenous language, in Quintana Roo 26.1%, in Chiapas 25.1%, in Campeche 15.9%. We must explain that the states of the South East of Mexico are inhabited by descendants of the maya-quiché culture, and its influence includes Chiapas, Yucatán, Campeche, Quintana Roo, Tabasco, part of Veracruz and Oaxaca, as well as Belize, Guatemala, Honduras, Costa Rica, Nicaragua and part of Panama.

As for the migration of the population, Chiapas takes first place for non-migration between states with 0.5%; 98% of its population does not migrate to any other state in the country. The federal entity with the highest internal migration is the Federal District, with a rate of 9.9%.

Chiapas occupies the last place, number 32, with 1.5% of international migrants, that is, those inhabitants who go abroad. The national average is 4.5%. The states with most migration are in the north of the country, such as Tamaulipas, San Luís and Coahuila, although Oaxaca has a high rate of migration.

3. Since 1995, 56 extra-judicial executions.

A document submitted to the United Nations Organisation records 56 cases of extra-judicial executions in Chiapas since 1995, of which 21 were women, many of them pregnant, 17 men, 14 girls and five boys, all indigenous people from the municipalities in the Altos, Selva and Northern regions of the state.

The account of extra-judicial executions begins with the Acteal massacre and includes the murder of Guadalupe Méndez López, a Zapatista woman assassinated by members of the State Public Security Police on the 12th of January 1998.

Guadalupe's eighteen month-old son and the youth Lázaro López Vázquez were wounded in

the action. It is striking that the majority of state police arrested were released on the 17th of June 1998, with only David Molina Hernández remaining as the solely responsible.

José Tila García, another sympathiser of the Zapatista Army of National Liberation, was assassinated on the 21st of February 1998 by members of the PRI-ist paramilitary group Paz y Justicia as he was returning to his community, Jolnixchtie, Primera Sección, in the municipality of Tila, after making a statement to the International Civil Commission for the Observation of Human Rights.

Also included are the executions of Trinidad Cruz Pérez, of the boy Elías Gutiérrez Ortiz, and eight Zapatistas killed in the police and military operation in the Municipality of El Bosque: Cristóbal Sánchez Sánchez, Maximino Gómez Sánchez, Antonio Gómez Gómez, Arturo Gómez Gómez, Adolfo Gómez Díaz, Bartolo López Méndez and Lorenzo López Méndez.

The human rights organisation's account details tortures suffered by persons identified with the EZLN or the opposition, and underlines the fact that in Chiapas it is a constant malaise, applied systematically to political detainees.

The tortures suffered by José Alfredo López Méndez, Francisco Arcos Gómez, Mario Santiz Ruiz and Sebastián Gómez Gómez are some of the cases documented by the CDHFBC.

The last of them, Sebastián Gómez Gómez, is a minor who was tortured, being beaten all over his body, and pressurised to talk by being asphyxiated with a plastic bag placed over his head. Later, members of the police and the army beat his head and face, and one of the torturers stood on his wounded arm in a particularly brutal manner, causing him intense pain.

The CDHFBC has compiled a long list of aggressions and persecution suffered by the defenders of human rights. Among many examples, the attack, with blows and stones, on members of the Network of Human Rights Organisations Todos los Derechos para Todos, the telephoned threats to members of the CDHFBC and the constant surveillance of the members of organisations working in Chiapas stand out.

There is abundant information on the illegal detention of human rights defenders, such as that of Luis Menéndez Medina, and of human rights promoters, such as the tzeltales Miguel Hernández Pérez, Fidelino Cruz Mendoza, Manuel Hernández Pérez and Andrés Gutiérrez Hernández.

4. Uninvestigated Attacks

On November 4, 1997 the then bishops of San Cristobal de Las Casas, Samuel Ruiz Garcia and Raul Vera Lopez, were murdered in the trailer where they lived to the north of Tila. Witnesses identified members of the group called Peace and Justice as the attackers.

Government officials Julio Cesar Ruiz Ferro, Roberto Albores Guillen and Pablo Salazar Mendiguchia, made no attempt to investigate who was responsible for the assassination of the bishops Samuel Ruiz Garcia and Raul Vera Lopez.

In February 1998 Jose Tila Lopez Garcia, an indigenous activist, was assassinated as he returned to his community after participating in a meeting with human rights groups. Again, members of the paramilitary group Peace and Justice were identified as the assassins.

In August 2001 various human rights activists, including the director of the Human Rights

Center, Fray Bartolome de Las Casas, were ambushed. Since the time of the attack, human rights groups have asked for an investigation by the State Attorney General. The authorities have given no information about their investigations.

5. Observations and Recommendations

Based on the situation in Chiapas, the following factors have been identified as the principal contributors to the constant and systematic violation of human rights in the indigenous communities:

1. The intense militarization of the area
2. The presence of paramilitary groups
3. The general situation of impunity, where attacks go unpunished
4. The lack of access to the justice system by the indigenous communities
5. The structural poverty that the indigenous communities suffer
6. Repression of indigenous organisations by the civil society
7. The lack of political will to find a respectful response to the petitions of the indigenous communities.

Based on these observations, we make the following recommendations:

1. Immediate and total compliance with the San Andres Agreement and a continuation of the process of dialogue and negotiation between the EZLN and the federal government
2. Respect for the constitutional reform initiatives of COCOPA
3. An end to the militarization and paramilitarization by returning the army to its barracks and disarming the paramilitary groups
4. Free access to the justice system by indigenous communities and an end to the lawlessness and impunity that prevails
5. Immediate amnesty for political prisoners.
6. The return of displaced people to their communities of origin with the full return of their possessions and compensation for damages and injury
7. Recognition of the international interest in the movement for human rights in Chiapas by increasing support for Mexican human rights groups and guaranteeing the presence of international human rights organisations
8. The designation of a special United Nations observer for Mexico
9. That the European Union, on the basis of its democracy and human rights clause and the agreement it signed with Mexico for political co-ordination and co-operation, establish a permanent mechanism for monitoring the human rights situation in Mexico. This mechanism should integrate the various Mexican and international human rights groups.